

A CERTIFIED TRUE COPY

ATTEST

By April Layne on Aug 18, 2008

FOR THE UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

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UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

Aug 18, 2008

FILED  
CLERK'S OFFICE

IN RE: AFTERMARKET FILTERS ANTITRUST LITIGATION

MDL No. 1957

FILED: AUGUST 18, 2008

TRANSFER ORDER

08CV477

JUDGE GETTLEMAN

**Before the entire Panel<sup>1</sup>:** Now before the Panel are three motions brought, pursuant to 28 U.S.C. § 1407, for coordinated or consolidated pretrial proceedings of some or all of the actions listed on Schedule A. In total, the motions encompass 25 actions, twelve actions in the District of Connecticut, four actions each in the Northern and Southern Districts of Illinois, three actions in the District of New Jersey and one action each in the Eastern and Middle Districts of Tennessee.<sup>1</sup>

Plaintiffs in eight actions filed the three motions seeking centralization in the District of Connecticut, the Northern District of Illinois, or the Southern District of Illinois.<sup>2</sup> All responding plaintiffs support centralization in one of these districts or the Northern District of California.<sup>3</sup> All defendants<sup>4</sup> support centralization in the District of Connecticut.

On the basis of the papers filed and hearing session held, we find that these 25 actions involve common questions of fact, and that centralization under Section 1407 in the Northern District of Illinois will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. All actions share allegations that the defendants conspired to fix, raise, maintain or

\* Judge Heyburn took no part in the decision of this matter.

<sup>1</sup> The parties have notified the Panel of 21 related actions pending in multiple federal districts. These actions and any other related actions will be treated as potential tag-along actions. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

<sup>2</sup> Plaintiffs in two other actions moved for Section 1407 transfer to the District of New Jersey, but subsequently withdrew their motion.

<sup>3</sup> In his response, plaintiff in one District of Connecticut action also suggested the Eastern District of New York as an alternative choice for transferee district.

<sup>4</sup> ArvinMeritor, Inc.; Baldwin Filter Corp.; Robert Bosch LLC; Champion Laboratories, Inc.; Cummins Filtration Inc.; Donaldson Co., Inc.; Donaldson International Inc.; Wix Filtration Corp. LLC; Mann + Hummel U.S.A., Inc.; Purolator International, Inc.; and United Components, Inc.



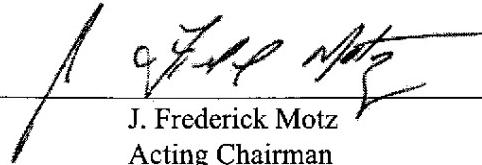
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stabilize prices, rig bids and allocate customers of aftermarket automotive filters in the United States, in violation of federal and/or state antitrust law. Centralization under Section 1407 will eliminate duplicative discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their counsel and the judiciary.

Any of the districts suggested by the parties would be an appropriate transferee forum; however, on balance, we are persuaded that the Northern District of Illinois is a preferable transferee forum for this litigation. Several actions are already pending in this district before one judge, and plaintiffs in numerous actions pending in this district and elsewhere support the Northern District of Illinois as their first or second choice for transferee district. Considerations of convenience and accessibility also favor the Northern District of Illinois.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A and pending outside the Northern District of Illinois are transferred to the Northern District of Illinois and, with the consent of that court, assigned to the Honorable Robert W. Gettleman for coordinated or consolidated pretrial proceedings with the actions listed on Schedule A and pending in that district.

PANEL ON MULTIDISTRICT LITIGATION



J. Frederick Motz  
Acting Chairman

John G. Heyburn II, Chairman\*      Robert L. Miller, Jr.  
Kathryn H. Vratil                         David R. Hansen

**IN RE: AFTERMARKET FILTERS  
ANTITRUST LITIGATION**

MDL No. 1957

**SCHEDULE A**

**District of Connecticut**

S&E Quick Lube Distributors, Inc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-475 - 08cv4781  
Flash Sales, Inc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-512 - 08cv4782  
William C. Bruene, etc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-522 - 08cv4783  
T.D.S. Co., Inc., etc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-528 - 08cv4784  
Barjan, LLC v. Champion Laboratories, Inc., et al., C.A. No. 3:08-534 - 08cv4785  
Packard Automotive, Inc. v. Honeywell International, Inc., et al., C.A. No. 3:08-600 - 08cv4786  
Parts Plus Group, Inc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-637 - 08cv4787  
Ward's Auto Painting & Body Works, Inc. v. Champion Laboratories, Inc., et al.,  
C.A. No. 3:08-660 - 08cv4788  
Justus Austin, III v. Honeywell International, Inc., et al., C.A. No. 3:08-711 - 08cv4789  
Francis Doll, III, et al. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-718 - 08cv4790  
Gemini of Westmont, Inc., etc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-722 - 08cv4791  
Gasoline & Automotive Service Dealers of America, Inc. v. Champion Laboratories, Inc.,  
et al., C.A. No. 3:08-729 - 08cv4792

**Northern District of Illinois**

Lovett Auto & Tractor Parts, Inc. v. Champion Laboratories, Inc., et al., C.A. No. 1:08-2046  
Neptune Warehouse Distributors, Inc. v. Champion Laboratories, Inc., et al.,  
C.A. No. 1:08-2317  
S.A.E. Warehouse, Inc. v. Champion Laboratories, Inc., et al., C.A. No. 1:08-2804  
Pawnee/S.A.E. Warehouse, Inc. v. Champion Laboratories, Inc., et al., C.A. No. 1:08-2806

**Southern District of Illinois**

Manasek Auto Parts, Inc., etc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-305 - 08cv4793  
Big T, Inc., etc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-331 - 08cv4794  
Cal's Auto Service, Inc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-351 - 08cv4795  
WWD Parts, Inc., etc. v. Champion Laboratories, Inc., et al., C.A. No. 3:08-353 - 08cv4796

**District of New Jersey**

Central Warehouse Sales Corp. v. Champion Laboratories, Inc., et al.,  
C.A. No. 2:08-2123 - 08cv4797  
All American Plazas of New Jersey, Inc. v. Honeywell International Inc., et al.,  
C.A. No. 2:08-2302 - 08cv4798  
Worldwide Equipment, Inc. v. Honeywell International, Inc., et al., C.A. No. 2:08-2303 - 08cv4799

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Eastern District of Tennessee

Randall Bethea, et al. v. Champion Laboratories, Inc., et al., C.A. No. 2:08-126 - 08cv4800

Middle District of Tennessee

Werner Aero Services v. Champion Laboratories, Inc., et al., C.A. No. 3:08-474 - 08cv4801



MICHAEL W. DOBBINS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
219 SOUTH DEARBORN STREET  
CHICAGO, ILLINOIS 60604

312-435-5698

August 25, 2008

William T. Walsh, Clerk of Court  
District of New Jersey  
Martin Luther King Building  
U.S. Courthouse 50 Walnut St. Rm 4015  
Newark, NJ 07101

Dear Clerk

**Re: MDL 1957 -- In re: " Aftermarket Filters Antitrust Litigation "**

Your case number: 2:08-2123 Central Warehouse Sales Corp vs Champion Lab etc. et al.

**[Our case number: 08 cv 4797 - Northern District of Illinois]**

Dear Clerk:

Enclosed is a certified copy of the Conditional Transfer Order from the Judicial Panel on Multidistrict Litigation (MDL Panel) transferring the above-entitled action to the Northern District of Illinois, Eastern Division, where it has been directly assigned Judge Robert W. Gettleman.

Upon entry of this letter and the MDL CTO, please electronically transmit your court file to the United States District Court, Northern District of Illinois. Your prompt attention to this matter is greatly appreciated.

Sincerely,

Michael W. Dobbins  
Clerk

by: Willie A. Haynes  
Supervisor in Operations